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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,344	12/06/2001	Yi Sik Chae	LT-0008	5265
34610	7590	12/28/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 12/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,344

Applicant(s)

CHAE, YI SIK

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-7 and 10-18 are pending.
2. The new abstract has been recorded.

Response to Arguments

3. Applicant's arguments, see pages 8-11, filed 12/14/05, with respect to the rejection(s) of claim(s) 1-7 and 10-18 under Shaffer-Steele references have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of Final rejection is made in view of Fodor-Ramanathan, and Hansen-Shaffer references.

Claim Rejections - 35 USC § 112

4. Claims 12, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It was unclear that what time is the time not within "the file selected by the first mobile terminal is ready for transfer at a time not within the time period during which the transfer is blocked said display also including a size of the file to be transferred". Examiner assumed that could be any time depends on the schedule (or the transfer time periods).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fodor et al [Fodor, 2002/0155831 A1] in view of Ramanathan et al [Ramanathan 5,913,041].

5. As per claim 1, Fodor discloses a method of providing a file transfer service through a mobile communication network, Fig 1-2], comprising the steps of:

(a) storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network [Fodor, abstract, Fig 1-2, 0055-0060];

(b) transmitting information for transferring the data file through the mobile communication network based on the stored transfer conditioning information [Fodor, 0054]; and

However Fodor does not explicitly detail "(c) checking response information sent from a second mobile terminal answering to said information for transferring the data file, and transferring the data file to the second mobile terminal based on the checked result; wherein said transferring conditioning information includes a blocking time period set in the first mobile terminal of when block a file transfer to occur by the first mobile terminal".

In the same endeavor, Ramanathan discloses (c) checking response information sent from a second mobile terminal answering to said information for transferring the data file, and transferring the data file to the second mobile terminal based on the checked result [Ramanathan, filtering out log information for particular transfer, col 11 lines 5-10, Fig 1]; wherein said transferring conditioning information includes a blocking

time period (i.e.: duration of transfers or time of transfer ends) set in the first mobile terminal of when block a file transfer to occur by the first mobile terminal [Ramanathan, col 11 line 43-col 12 line 5]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the response information including delay time or blocking period for transfer file via a network as taught by Ramanathan into the Fodor's apparatus in order to utilize the user select process. Doing so would provide the quality of service and reduce the time and cost consuming [Fodor, 0006].

6. As per claim 2, Fodor-Ramanathan disclose said transfer conditioning information includes transfer blocking time zone information, identification information of the first and the second mobile terminal, and size information of the data file to transfer [Ramanathan, log entry with information of transfer size, source, destination, abstract].

7. As per claim 3, Fodor-Ramanathan disclose said information for transferring the data file includes size information of the data file to transfer [Ramanathan, log entry with information of transfer size, abstract].

8. As per claim 4, Fodor-Ramanathan disclose said information for transferring the data file further includes type information of the data file to transfer [Fodor, FTP, HTTP 0047,0053].

9. As per claim 5, Fodor-Ramanathan disclose said response information includes spare storage capacity information of a peripheral device connected to the second mobile terminal [Ramanathan, additional capacity, col 8 lines 36-47].

10. As per claim 6, Fodor-Ramanathan disclose said step (c) determines whether or not to transmit the data file based on the response information and the stored transfer conditioning information [Ramanathan, col 3 lines 14-25; col9 line 38-59].

11. As per claim 7, Fodor-Ramanathan disclose the similar limitations set forth in claim 1 except "select one data file whose transfer blocking time period is closet to current time" [Ramanathan, Fig 4B].

12. As per claim 10 Fodor-Ramanathan disclose said transfer blocking time zone is set to a time zone when voice traffic is normally congested as inherent feature of time and date.

13. As per claim 11 Ramanathan discloses said step (c) transmits another data file selected next based on the transfer conditioning information to a third mobile terminal specified as destination of the next selected file, if trials of making connection to the second mobile terminal are failed [Ramanathan, log entry with information of transfer size, source, destination, abstract].

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14. As per claim 12 Fodor-Ramanathan disclose the similar limitations set forth in claim 1 except “receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the time period during which the transfer is blocked said display also including a size of the file to be transferred” [Ramanathan, schedule maintenance, col 8 lines 22-35];

15. As per claim 13 Fodor-Ramanathan disclose the file selected in the first mobile terminal is stored on a file handling server with a plurality of other files to be transferred by other mobile terminals [Ramanathan, servers, col 6 lines 38-49].

16. As per claim 14 Fodor-Ramanathan disclose the file handling server first transfers a file whose blocking time period is closest to a current time [Ramanathan, FTP, col 5 line 46].

17. As per claim 15 Fodor-Ramanathan disclose when the second mobile terminal is connected to the external apparatus, the second mobile terminal sends information about a memory capacity of the external apparatus to the file handling server and the file handle server determines whether the memory capacity of the file handling server is sufficient to store the file to be transferred [Ramanathan, sufficient bandwidth, col 1 line 18].

18. As per claim 16 Fodor-Ramanathan disclose the file handling server transmits an error message to the second mobile terminal if the memory capacity is insufficient to store the file to be transferred [Ramanathan, detection of fault, col 3 lines 37].

19. As per claim 17 Fodor-Ramanathan disclose the file handling server transfers the file to the external apparatus via the second mobile terminal if the memory capacity is sufficient to store the file to be transferred and a current time is not within the blocking time period.

20. As per claim 18 Fodor-Ramanathan disclose the file handling server further transmits a message indicating a file transfer is in progress to the second mobile terminal when the file is being transferred to the external apparatus as inherent feature of FTP or download process.

Claims 1-7,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen [6,317,639] in view of Shaffer et al [Shaffer 6,842,768 B1]

21. As per claim 1, Hansen discloses a method of providing a file transfer service through a mobile communication network [Hansen, Fig 1], comprising the steps of:

(a) storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network [Hansen, col 9 lines 50-67];

However Hansen does not explicitly detail

(b) transmitting information for transferring the data file through the mobile communication network based on the stored transfer conditioning information; and

(c) checking response information sent from a second mobile terminal answering to said information for transferring the data file, and transferring the data file to the second mobile terminal based on the checked result; wherein said transferring conditioning information includes a blocking time period set in the first mobile terminal of when block a file transfer to occur by the first mobile terminal;

In the same endeavor, Shaffer discloses (b) transmitting information for transferring the data file through the mobile communication network based on the stored transfer conditioning information [Shaffer, based on available system resource, col 8 lines 11-30]; and

(c) checking response information sent from a second mobile terminal answering to said information for transferring the data file, and transferring the data file to the second mobile terminal based on the checked result; wherein said transferring conditioning information includes a blocking time period set in the first mobile terminal of when block a file transfer to occur by the first mobile terminal [Shaffer, two different download times, col 5 lines 30-50]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the transfer file based on the transfer condition or transmissible program as taught by Shaffer into the Hansen's apparatus in order to utilize the automatic reporting process. Doing so would provide a sufficient bandwidth over the wireless communication network.

22. As per claim 2, Hansen-Shaffer disclose said transfer conditioning information includes transfer blocking time zone information, identification information of the first and the second mobile terminal, and size information of the data file to transfer [Shaffer, col 9 lines 10-35].

23. As per claim 3, Hansen-Shaffer disclose said information for transferring the data file includes size information of the data file to transfer [Shaffer, a threshold size, col 5 lines 50-63].

24. As per claim 4, Hansen-Shaffer disclose said information for transferring the data file further includes type information of the data file to transfer [Shaffer, formats, col 8 lines 45-56].

25. As per claim 5, Hansen-Shaffer disclose said response information includes spare storage capacity information of a peripheral device connected to the second mobile terminal [Shaffer, disk, tape, col 10 lines 8-25].

26. As per claim 6, Hansen-Shaffer disclose said step (c) determines whether or not to transmit the data file based on the response information and the stored transfer conditioning information [Shaffer, col 10 line 62-col 11 line 15].

As per claim 7, Hansen-Shaffer disclose the similar limitations set forth in claim 1 except “select one data file whose transfer blocking time period is closest to current time” [Shaffer, the first time and the next time, col 8 lines 11-29].

27. As per claim 10 Hansen-Shaffer disclose said transfer blocking time zone is set to a time zone when voice traffic is normally congested [Shaffer, a particular time interval, col 4 lines 27-39].

28. As per claim 11 Hansen-Shaffer disclose said step (c) transmits another data file selected next based on the transfer conditioning information to a third mobile terminal specified as destination of the next selected file, if trials of making connection to the second mobile terminal are failed [Shaffer, a particular time interval, col 4 lines 27-39].

29. As per claim 12 Hansen-Shaffer disclose the similar limitations set forth in claim 1 except “receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the time period during which the transfer is blocked said display also including a size of the file to be transferred” [Shaffer, different times, col 3 lines 44-65].

30. As per claim 13 Hansen-Shaffer disclose the file selected in the first mobile terminal is stored on a file handling server with a plurality of other files to be transferred by other mobile terminals [Shaffer, file server, col 3 lines 15-35].

31. As per claim 14 Hansen-Shaffer disclose the file handling server first transfers a file whose blocking time period is closest to a current time (i.e.: re generate) [Shaffer, col 11 lines 50-56].

32. As per claim 15 Hansen-Shaffer disclose when the second mobile terminal is connected to the external apparatus, the second mobile terminal sends information about a memory capacity of the external apparatus to the file handling server and the file handle server determines whether the memory capacity of the file handling server is sufficient to store the file to be transferred [Shaffer, sufficient available bandwidth, col 4 lines 3].

33. As per claim 16 Hansen-Shaffer disclose the file handling server transmits an error message to the second mobile terminal if the memory capacity is insufficient to store the file to be transferred as inherent feature of file server.

34. As per claim 17 Hansen-Shaffer disclose wherein the file handling server transfers the file to the external apparatus via the second mobile terminal if the memory capacity is sufficient to store the file to be transferred and a current time is not within the blocking time period [Shaffer, a particular time interval, col 4 lines 27-39].

35. As per claim 18 Hansen-Shaffer disclose the file handling server further transmits a message indicating a file transfer is in progress to the second mobile terminal when the file is being transferred to the external apparatus as inherent feature of download files from a file server.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

